

# COASTAL HERITAGE

VOLUME 16, NUMBER 2

FALL 2001

Coastal  
Growth  
Hits Home

162 ACRES WATERFRONT  
GREAT DEVELOPMENT POTENTIAL

# CONTENTS

3

## COASTAL GROWTH HITS HOME

*New land-use regulations in two South Carolina coastal counties have sparked fierce debate.*

7

## CAN SMART GROWTH WORK?

*Federal policies, not local ones, have the greatest effect on sprawl.*

14

## EBBS AND FLOWS

### ON THE COVER

*Development pressures are transforming the rural landscape of coastal South Carolina.*

PHOTO/WADE SPEES



**TIN CAN ALLEY.** For generations, some rural South Carolinians along the coast have lived in distinctive rural clusters or extended-family compounds.

PHOTO/WADE SPEES



*Coastal Heritage* is a quarterly publication of the S.C. Sea Grant Consortium, a university-based network supporting research, education, and outreach to conserve coastal resources and enhance economic opportunity for the people of South Carolina. Comments regarding this or future issues of *Coastal Heritage* are welcomed.

Subscriptions are free upon request by contacting:

S.C. Sea Grant Consortium  
287 Meeting Street  
Charleston, S.C. 29401  
phone: (843) 727-2078  
e-mail: [Annette.Dunmeyer@scseagrant.org](mailto:Annette.Dunmeyer@scseagrant.org)

Executive Director  
**M. Richard DeVoe**

Director of Communications  
**Linda Blackwell**

Editor  
**John H. Tibbetts**

Art Director  
**Patty Snow**

Contributing Writer  
**Susan Ferris**



### Board of Directors

The Consortium's Board of Directors is composed of the chief executive officers of its member institutions:

**Dr. Leroy Davis, Sr., Chair**  
President, S.C. State University

**James F. Barker**  
President, Clemson University

**Dr. Raymond Greenberg**  
President, Medical University of South Carolina

**Major General John S. Grinalds**  
President, The Citadel

**Leo I. Higdon, Jr.**  
President, University of Charleston, S.C.

**Dr. Ronald R. Ingle**  
President, Coastal Carolina University

**Dr. John M. Palms**  
President, University of South Carolina

**Dr. Paul A. Sandifer**  
Executive Director  
S.C. Department of Natural Resources



# Coastal Growth hits home

*Rural neighbors, developers, and conservationists wrangle over development and property rights.*

**By John H. Tibbetts**

**ROAD BLOCK.** Wider, faster roads often bring explosive development to the countryside, eventually displacing local people. These Charleston County rural residents gathered last June near Hollywood to protest the proposed widening of rural Highway 162.

PHOTO/WADE SPEES/POST AND COURIER

Many dream about building a house in the countryside where they can escape traffic, smog, and irritating neighbors. Not too far out, though. They often search for a bucolic place near a lake or ocean within a reasonable commute to jobs or shopping. But after finding their dream spot, some want to transform it. They call for wider, faster roads and better fire and police protection. Before long, these improved services draw flocks of urban refugees to rural areas, and glossy houses replace farms and forests. Our countryside is disappearing, longtime residents complain. It's turned into what planners call "rural sprawl"—that is, a low-density smattering of houses beyond suburban edges.

But rural sprawl is just an early step in an evolution toward classic suburban sprawl.

Expensive new houses in the countryside drive up local property values and taxes and traffic. Surrounded by house lots, squeezed by rising costs, farmers and foresters sell their land for more development. All this growth soon strains local infrastructure.

Rural landowners have traditionally relied on septic systems and wells for water. But septic systems can be improperly sited or maintained, polluting wells and groundwater. If septic systems fail in large numbers, some rural residents call for extending public sewer and water lines into the countryside. Developers, hoping to build new projects on raw land, also lobby for new water and sewer lines, which are powerful magnets for rapid growth, drawing large subdivisions and commercial strip development and office parks. Soon businesses relocate to cheaper digs on the outskirts of town. Anticipating further growth, school districts build new buildings beyond the metropolitan edge. Commuter traffic clogs local roads, so residents demand expanded or new roads, attracting even more people.

Suburban sprawl has arrived.

Then a new generation searches for homes in the distant countryside, and the process begins all over again.

How do you stop sprawl? Start by tightening up rural zoning, planners say. Developers, under traditional



agricultural zoning rules, can build two to three houses per acre in South Carolina rural areas if the subdivision is served by a sewer utility. If a local sewer line is unavailable, developers can create lots of about two-thirds of an acre, which can accommodate septic systems under state environmental standards.

In either case, traditional agricultural zoning invites sprawl, allowing “a proliferation of lots throughout the rural areas,” says Daniel Pennick, Charleston County planner. Landowners can “put parcels everywhere.” Soon the countryside is lost, he says.

Which makes some rural landowners angry. “I often hear people say, ‘I’d like things to go back to the way they were 25 years ago,’” reports Dorothy McFall, senior planner with the Berkeley-Charleston-Dorchester Council of Governments. “People moved out to the country, and then it wasn’t country anymore.”

But other rural landowners seek windfalls from rapid growth. Since the suburban boom of the 1950s, many farmers have anticipated selling their land as development spreads out to them from growing cities. They have viewed farmland as an investment equivalent to an office worker’s 401k, plus a mutual fund for their children’s education—their chance to benefit from the American economic boom. Around the country, farmers have sold off their property to developers, retired, and moved into town.

Those who sell family land don’t always benefit, however. Community activists argue that many poor landowners get cheated. “A developer offers elderly landowners what seems a large sum, but it’s really not,” says Elizabeth Santigati, executive director of S.C. Coastal Community Development Corporation, on St. Helena Island in Beaufort County. Then the developer subdivides the parcel and makes large profits, she says.

Thousands of extended families own land known as “heirs property” along the South Carolina coast. It’s common for dozens of family members to own a single parcel, which can lead to quarrels over whether to hold onto land or to sell

---

*“People moved out to the  
country, and then it wasn’t  
country anymore.”*

---

it. When heirs property is sold, family members are often displaced by newcomers.

Plenty of rural people wish they could turn back the invading army of strangers. For decades, Ned Legare, who owns 22 waterfront acres on Wadmalaw Island, has watched new subdivisions and resorts gobble up land along the coast. “There’s got to be a certain point where you just have to stop” more development, he says. “When Wadmalaw turns into another retirement center for northern golfers, I don’t want to be here anymore.” Rampant development, Legare says, could drive him out of the region.

Over the past few years, two counties—Beaufort and Charleston—have become leaders in efforts to manage development in rural areas. “With the rapid coastal growth, the sprawl effect there, residents have been very vocal in asking for growth management,” says James London, Clemson University professor of city and regional planning and Pickens County Council member.

Under pressure from voters, Beaufort and Charleston counties have instituted stricter limits on growth, such as limiting how many homes can be constructed on some rural parcels. These counties,

planners say, are seeking to prevent some sections of countryside from turning into rural sprawl, and to stop rural sprawl from turning into suburban sprawl.

The two counties plan to concentrate more growth in urban and suburban areas. They are attempting to increase housing densities (the number of dwelling units that can be built on a particular parcel) in some already urbanized areas. Meanwhile, they expect to control the number of new homes built in the countryside, preserving as much forest and farmland as possible.

Beaufort County, home to Hilton Head Island and other resort communities, is the fastest growing county in the state, with a 40-percent population increase in the 1990s. Drove of visitors and new residents, drawn by beaches, golf courses, and waterways, are overwhelming the county’s infrastructure and natural resources, some say.

Beaufort County’s two-year-old ordinance allows one house per three acres in rural areas, but if open space is protected, then landowners can build one dwelling unit per two acres. The ordinance provides incentives to developers who cluster

**COUNTRY ROAD.** When governments implement tougher land-use and environmental regulations, local folks can get tangled in changing rules. In 1999, Charleston County stiffened regulations on road standards for new developments. As a result, the Edenswood Homeowners Association—a group of six households—paid tens of thousands of dollars for a 50-foot wide access road to their home sites. In 2001, however, the rule was rescinded for new developments that include less than 10 lots. By then, it was too late for the Edenswood association members. “We wanted a cute little dirt road leading to our homes,” says association president Bill Fagan, shown with his wife Jennifer and sons Christian (left) and Will. “Instead, we have this airstrip half a mile long. We should rent it out to local pilots.” PHOTO/WADE SPEES





## A new era

In some South Carolina coastal counties, small rural landowners rarely encountered local restrictions on their property until the past 15 to 20 years. Several counties had no zoning at all. Others had zoning laws on the books, but some planning departments looked the other way, allowing poorer property owners to subdivide tracts at will, creating lots of every shape and size. Rural people often subdivided their land so they could hand down plots to family members. But as families grew, so did the number of plots.

Planners had to crack down when boom times arrived. Without zoning and its enforcement, rapidly growing counties faced chaos, struggling to manage burgeoning demands for roads, schools, and emergency services.

Some rural people were surprised and angered by enforcement of old regulations and enactment of new ones. "Rural landowners are in a struggle," acknowledges Daniel Pennick, Charleston County planner. "They've gone from a period of minimum requirements on land use to a period when governments say, 'You can't do this, you can't do that.'"

It's not uncommon, though, for rural folks to fight rules that affect their own land but support restrictions on their neighbor's property. As Ned Legare, who owns property on Wadmalaw Island, points out, "I hear people all the time say, 'I should be able to do anything I want with my land,' but when it comes to their neighbor doing something they don't like, they want to stop it."

houses in the countryside rather than spreading them uniformly across the landscape, thus potentially preserving forests and other open spaces.

Some call for even stricter land-use regulations. "We don't want any zoning loopholes to exist for developers to sneak through," says Marquetta Goodwine, founder of the Gullah/Geechee Sea Island Coalition, based on St. Helena Island. Island residents have established a "cultural-protection overlay district" as part of the Beaufort County ordinance. The district's standards prohibit gated communities, golf courses, and resorts. "We're dealing with zoning regulations because we want to defend ourselves against what's trying to come onto our island," says Goodwine.

Not everyone, however, wants to limit rural development. John Trask III, a Beaufort County landowner and commercial developer, says that Beaufort County's two-year old ordinance has succeeded only in creating "huge new layers of bureaucracy. It's now costing much, much more to develop property."

Charleston County's land-use rules are even tougher. In some outlying areas, landowners can build just one house for every 25 acres under the draft Unified Development Ordinance (UDO). In other rural areas, the rules allow one house every 1, 3, 5, 10, or 15 acres. This policy effectively rules out large-scale suburban-

style development in some sections of the county. Such development restrictions are highly unusual for a community in South Carolina, which has been historically unfriendly to government interference on private land.

Indeed, some rural property owners bitterly resent new regulations. "I don't understand how you can work hard and pay taxes, and somebody comes to tell you, 'You can't do that with your own property,'" says Sylvia Davis, who owns land on Wadmalaw Island with her husband Thomas.

New regulations are driving up land-development costs, some property owners say. Gene Cribb, who with his wife owns 43 acres on Edisto Island, recently created a new lot for his daughter on his property. He found the county's rules for subdividing land to be "extremely expensive and enormously frustrating and time-consuming."

Stricter rural zoning, moreover, could have devastating financial effects on many families, lowering property values and diminishing collateral for business and farm loans and other investments, according to John Templeton, co-founder of the S.C. Landowners Association (SCLA) and president of Special Properties, a rural land brokerage company.

The SCLA, with more than 5,000 members representing 1.5 million acres of landholdings, was formed last year in response to Charleston County's zoning efforts. Many people who live in the



**GAME PLAN.** Mary Jane Blatchford of the Charleston County Planning Department discusses new development regulations with Paul Mulkey (center) and Rhett Hankel during a public forum in August.

PHOTO/WADE SPEES/POST AND COURIER

country are land-rich, not cash-rich, says Templeton. "There are numerous start-up businesses that depend on land as their equity line. The county has noble goals, but they are eliminating people's property rights."

Even when voters call for sprawl-control measures, elected officials should not impose burdensome land-use restrictions on property owners, says John Cone, executive director of Home Builders of South Carolina Association. "You can't just go out and say to someone, 'The majority of people want to take your land.'"

### COMPREHENSIVE PLANNING

Land-use conflicts have been boiling for decades in some hot property markets along the South Carolina coast. But in sleeper corners of the region, many landowners ignored planning issues until recently.

The turning point was a 1994 state law that required any local government that zones property to establish a comprehensive plan by May 3, 1999. Suddenly counties and municipalities began creating comprehensive plans, many for the first time.

In December 1997, Beaufort County approved a comprehensive plan, and in April 1999, the county passed a development ordinance that enforces the plan.

In April 1999, Charleston County approved a comprehensive plan and County Council was expected to vote on an accompanying unified development ordinance by October 23. For each county, the new regulations replace all zoning and land-use requirements for unincorporated areas over the past few decades.

During a comprehensive planning process, residents and local officials discuss their vision of their community's future. Then

### CAN SMART GROWTH WORK?

It's extremely difficult for a local government to contain sprawling development. Localities, acting alone, can influence where citizens choose to live. But federal policies in transportation, energy, agriculture, and taxation often have the greatest effects on consumer housing preferences.

Pietro S. Nivelo, a senior fellow at the Brookings Institution, recently published a study of various national policies that have shaped cities and towns in the United States, European countries, and Japan.

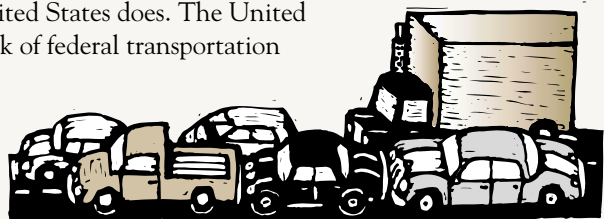
Great Britain and France, Nivelo writes, spend four to five times as much of their transportation budgets on mass transit and rail than the United States does. The United States spends the bulk of federal transportation dollars on highways and roads. In 1996, U.S. gasoline taxes were more than five times lower than those

in Britain, seven times lower than in Germany, and eight times lower than in the Netherlands. U.S. transportation and energy policies encourage car ownership and low-density cities far more than do European policies.

In 1995, European Union countries provided far greater subsidies to agriculture than did the United States—on average more than 10 times higher. Japan's subsidies were an amazing 183 times higher than those in the United States. While driving up food prices in Europe and Japan, these subsidies have also encouraged farmers to stay on their land, limiting the space for cities to grow outward.

France, Italy, and Germany have laws that encourage small, family-run businesses, and effectively discourage shopping malls, outlet malls, and other large corporate enterprises that build on the metropolitan fringe. Wal-Mart and other "big box" businesses, often accused of exacerbating sprawl, thrive far better here than in Europe.

Furthermore, Germany and Canada do not have a U.S.-style mortgage-interest tax deduction. Many Americans stretch their budgets to buy expensive homes on large lots, maximizing the tax deduction. Lacking this incentive, Canadian citizens have smaller houses, smaller lots, and denser cities, according to Witold Rybczynski, University of Pennsylvania professor of urbanism. ♡



communities establish guidelines for future development, identifying which areas are targeted for various land uses—residential, commercial, industrial, and agricultural, among others. South Carolina's local plans must establish guidelines for housing, jobs, schools, transportation, natural-resource use and conservation, among other community needs. In this way, communities can provide a rationale for orderly growth, and potentially for development standards and zoning.

Under state law, each comprehensive plan must have a future land-use map showing areas that should receive most of the new growth and places that should remain rural.

"Counties around the state are beginning to recognize that growth is occurring, and that they need some sense of where they want to go," says Bill



## State takings bill

A coalition of landowner advocates, developers, farmers, and homebuilders will continue fighting for passage of “takings” bills in the state legislature early next year. The coalition is seeking to create a whole new set of landowner rights and remedies to existing property law.

They argue that when a regulation diminishes a property’s fair market value, then the land, in effect, has been “taken,” just as if the government had physically occupied it. The landowner therefore should be paid from public coffers.

Three takings bills failed in the state legislature this past spring, but the South Carolina Landowners Association (SCLA) is calling for the passage of the Private Property Protection Act (S.528 and H. 3995) in the next legislative session. This bill would require compensatory measures to property owners for loss of land value due to “unreasonable hardship” caused by government actions.

The “‘unreasonable hardship’ standard is so broad that it is standard-less,” says Jim McElfish, senior attorney with the Environmental Law Institute, a nonpartisan think tank in Washington, D.C. A law in this form would provide administrative law judges, who would hear takings cases in South Carolina, with unprecedented authority. “Administrative law judges would have tremendous power to offer compensation and variances to any actions taken by local and state government,” says McElfish. “This bill is aimed at the apparatus of local and state government.”

Exactly right, property-rights advocates say. “You want to scare government away from doing things that they’d have to compensate landowners for,” says John Cone, executive director of the Home Builders of South Carolina Association. “Takings legislation is preemptive. You want government to back off.”

Steiner, director of the S.C. Downtown Development Association, a nonprofit organization. Citizens, he says, increasingly realize that their communities need planning. The planning movement in South Carolina “is as much a citizen-driven as government-driven process, perhaps more so.” But comprehensive planning is often a rancorous process in rapidly growing areas. “The tensions between the two sides are greater in a booming economy,” says Steiner.

Tom Criscitiello, Beaufort County planning director, points out that when a local government establishes a comprehensive plan for the first time, “there’s always going to be controversy, no way around it. The question is, does the community have the leadership and vision to do planning in the right way, to preserve what you have so it doesn’t turn into a mass of parking lots and strip malls?”

It is poorly planned development—not government regulation—that is the greatest threat to small landowners in rapidly growing regions, says Lewis Hay, a rural landowner and consultant with the

Lowcountry Open Land Trust. Growth management helps local people hang onto their land. “Rural people will get displaced if we don’t have land protection.” Take the example of Hilton Head Island, where land values and taxes rose so quickly that many local people were squeezed out, he adds.

Not only that, but unmanaged growth is economically inefficient, says London, the Clemson University planning professor and Pickens County local official. “I hear a lot of people hollering that ‘planning is socialism, this is a free country.’ But it’s the responsibility of public officials to plan. We’re responsible for spending taxpayers’ monies effectively.”

To Templeton of the SCLA, however, comprehensive planning can open the door to excessive government interference on private land. “The counties are eliminating the ability of rural landowners to invest in their own property for the future,” he says. “These plans undermine the free-enterprise system.”



**HOLDING THE FORT.** “This is what I’m trying to protect,” says Ned Legare, standing on a dock near his property on Wadmalaw Island. He strongly supports new development restrictions in rural Charleston County where his family has lived for generations. “I don’t want to see new condos across the tree line.” PHOTO/WADE SPEES



**CHOICE CUT.** New development rules in Charleston County are a “form of gentrification,” says John Templeton, co-founder of the S.C. Landowners Association, standing at the entrance to Raven’s Bluff, a subdivision with voluntarily protected open space that he helped develop on Johns Island. Tougher land-use regulations “drive up the price of property so that only out-of-towners can afford to purchase land” in coastal rural areas.

PHOTO/WADE SPEES



## SMART GROWTH

Over the past several years, a national coalition of environmentalists, conservation-minded landowners, planners, and architects has pushed for so-called “smart-growth” policies to manage development.

Smart growth has various definitions, depending on who is doing the defining. In general, smart-growth advocates want to stimulate tighter housing patterns in cities and suburbs and less dense living patterns in rural and agricultural areas. The basic idea is that urban and suburban people should live closer together, encouraging them to walk and use mass transit more while using their cars less.

Residents concerned about traffic congestion, water and air pollution, higher taxes, and shortages of affordable housing have supported a number of these policies in various communities around the country.

Some smart-growth advocates have pushed for tougher agricultural

zoning, which limits the outward extension of suburban growth. As noted earlier, Beaufort and Charleston have created perhaps the toughest rural zoning ordinances in the state.

Another idea popular among smart-growth advocates is better infrastructure planning. Some states and localities encourage new home construction near existing roads and sewer lines instead of allowing farmland and forests to be transformed into the next ring of subdivisions. Maryland, for example, offers state aid to localities that designate some areas for future development and other areas for open space. Thus, the state limits public financing for roads and other infrastructure beyond metro fringes. Lexington, Kentucky, has had an “urban service boundary” for decades. By concentrating urban services within certain areas, communities can reduce the cost of government and hold down taxes.

Hugh Lane, a banker and Charleston County rural landowner, says that developers “should put subdivisions where there is already a

capacity to handle the school and transportation needs, where there are hospitals and other public-oriented facilities. So you’re not having development increase the burden on government.”

So-called “infill” projects can address the needs of one segment of the marketplace, says John Cone of the Home Builders of South Carolina Association. But it’s more expensive for developers to build closer in, partly because the land is costlier and retrofitting infrastructure is difficult. Furthermore, he says, most Americans still seek single-family homes on the metropolitan edge, and developers respond to consumer demand.

Smart-growth advocates complain that rural service providers—water and sewer authorities, for example—often ignore comprehensive plans. State law says that independent entities should consult with local officials on new projects such as infrastructure extensions, but there is often little, if any, serious consultation, says Sam Passmore, director of the land-use program at the S.C. Coastal Conservation League, a nonprofit organization that strongly

supports planning efforts. “In South Carolina, it’s all very ad hoc. If the politicians want these issues to be considered, then they are considered.” Beaufort County’s plan addresses this problem by giving County Council review authority—essentially a veto, some say—over any proposal to extend sewer lines into rural areas.

Another smart-growth initiative is the publicly financed program to purchase land and development rights from property owners. When a property owner donates or sells development rights, he places an easement on his land that usually limits or prohibits his future rights to subdivide it for new homes, thus protecting farmland and other open space. In November 2000, Beaufort County voters passed a referendum, allowing that locality to borrow \$40 million to acquire open land, development rights, and conservation easements. Charleston County’s comprehensive plan encourages a similar effort.

In next year’s legislative session, a range of conservation, landowners, and business groups plan to lobby for passage of the S.C. Conservation Bank Act (H. 3462 and S.297), which would establish a “conservation bank” to raise funds to purchase development rights for sensitive property tracts. Conservationists also support the Farm and Forest Lands Protection Act (S. 156 and H. 3111), which would establish priority agricultural areas in each county. Farmers in priority areas would have an opportunity to sell development rights to a state land board.

Smart-growth advocates criticize conventional zoning, which usually mandates low-density, conventional development and prohibits higher-density, mixed-use neighborhoods. Beaufort and Charleston counties allow and, in some places, encourage growth in the so-called “new urbanist” pattern, imitating older neighbor-

hoods like Mount Pleasant’s Old Village.

Both counties also promote open-space zoning, a relatively new planning concept. In most modern subdivisions, developers spread homes uniformly across the landscape. House lots and streets absorb nearly all the buildable land. But if developers are allowed to choose an open-space zoning option, they can create more lots on a particular tract than would be allowed under conventional zoning. The catch is that developers must cluster new homes on about half of the tract. The remaining open space is protected forever and can include walking trails, forests, or farmland.

Charleston County’s development regulations offer developers the option to cluster lots. This option allows developers the opportunity to achieve higher density while designating a portion of the land as open space. Clustered lots with nearby open space are just as valuable as conventional, larger suburban lots, conservationists say.

Some other coastal counties are using pieces of the smart-growth agenda. Berkeley County’s plan, for example, focuses on infrastructure planning and voluntary easement donations from large landholders and industries, but not strict rural zoning. All these plans, however, have an important principle in common, says Passmore. Communities have decided that “these are the areas that will see development and these are the places that will be rural. The only difference is the tools that counties are using to implement that principle.”

## RURAL ZONING CONFLICTS

One evening last May, Joey Douan, president of the Charleston chapter of the SCLA, opened his

presentation to several dozen rural property owners at St. Johns High School gymnasium on Johns Island by acknowledging that he wanted to scare the heck out of them.

Farmers and rural landholders should understand one thing, Douan said. Charleston County lawmakers intend “to remove us from the rural areas. That is their plan.” The county, Douan said, is seeking to force rural people into “dense housing projects” in the inner city to protect the countryside as a “nature preserve.”

Douan has repeated these charges at meetings throughout the region. SCLA leaders complain that Charleston County is “taking” landowners’ property by instituting tougher rural zoning, changing how the rural landscape can be developed.

Templeton argues that the county’s efforts are part of a larger conspiracy against the rural population. “We’re getting the word out (to rural landowners statewide) that you’re next” to face zoning regulations similar to those proposed in Charleston County, says Templeton. “This county plan is a step toward creating wilderness areas in rural South Carolina, and an attempt to displace people and force them into cities.”

At public hearings over the past year, SCLA members sharply criticized numerous aspects of the county draft ordinance. In response, County Council removed many of the ordinance requirements, such as expensive land surveys and road standards.

Charleston County has also tried to reduce regulatory burdens on small landholders by identifying “settlement areas”—traditional

## Web sites

S.C. Landowners Association: [www.saveourlandrights.com](http://www.saveourlandrights.com)  
S.C. Coastal Conservation League: [www.scccl.org](http://www.scccl.org)  
Smart Growth America: [www.smartgrowthamerica.com](http://www.smartgrowthamerica.com)  
Charleston County: [www.charlestoncounty.org](http://www.charlestoncounty.org)



**GULLAH  
GRUB**  
RESTAURANT

**LOCAL FLAVOR.** Elizabeth Santigati, executive director of the S.C. Coastal Community Development Corporation, displays packages of she-crab soup and frozen fish chowder from the Gullah Grub Restaurant, a new business on St. Helena Island. Locally owned and operated businesses like this one have been aided by an innovative “cultural-protection overlay district” for the island as part of the Beaufort County development ordinance. Island residents also ensured that their public market area was zoned for use by local businesses.

PHOTO/WADE SPEES





## Contacts

Daniel Pennick,  
Charleston County Planning,  
(843) 202-7200.

Jim London, Clemson  
University, (864) 656-3081.

John Templeton,  
S.C. Landowners Assoc.,  
(843) 853-3666.

John Cone, Home Builders  
of South Carolina,  
(803) 771-7408.

Bill Steiner, S.C. Downtown  
Development Assoc., (803)  
799-9574.

Tom Criscitiello,  
Beaufort County Planning,  
(843) 470-2724.

Sam Passmore and  
Dana Beach, S.C. Coastal  
Conservation League,  
(843) 723-8035.

Elizabeth Santigati,  
S.C. Coastal Community  
Development Corporation,  
(843) 838-3295.

Jim McElfish,  
Environmental Law Institute,  
(202) 939-3800.

**CLOSE TO HOME.** *These homes on Wadmalaw Island are typical of so-called "settlement areas," which are traditional hamlets or clusters. Under Charleston County's development ordinance, residents of settlement areas could build at higher densities than people who own surrounding fields and forests.*

PHOTO/WADE SPEES

home clusters in the countryside. These are places where rural families, white and black, have lived for generations. The new ordinance would allow landowners in traditional settlements to develop at higher densities—up to one dwelling unit per acre—than in surrounding farmlands and fields. This provision allows some growth to occur, but is intended to keep out new subdivisions with hundreds of lots.

The heaviest regulatory burden appears to fall on large landowners who cannot develop their property with conventional subdivisions or commercial development. But these landowners, planners say, could over time benefit financially from tougher rural zoning.

In 1988, for example, Charleston County adopted a Wadmalaw Island land-use plan that established the strictest rural zoning in the state. The minimum lot size on 60 percent of the island's acreage was one dwelling unit per 15 acres. Yet since 1988, Wadmalaw Island's rising land values have kept pace or exceeded property values elsewhere in Charleston County and other coastal counties.

Tom Wilson, now comprehensive planning director for the Chatham-Savannah Metropolitan Planning Commission, served as Beaufort County's planning director in the late 1990s, when

he and his colleagues studied five Maryland counties that had established large-lot zoning in rural areas.

In each of those Maryland counties, rural zoning ordinances apparently strengthened land values, says Wilson.

"We then tried to demonstrate to Beaufort County landowners," says Wilson, "that if they looked at their property differently, appealing to a segment of the market concerned with having open space and trails, they could actually get more money for their property." At the same time, Wilson notes, "it's important to provide flexibility for the small-lot owner. Beaufort County has considered a 'density bonus' to help the small-lot owner and at the same time address the issue of affordable housing. Rural coastal area should not end up being an exclusive domain of the wealthy."

Once a county creates tougher rural zoning, far-flung properties probably won't rise as rapidly in value as close-in land, acknowledges Robert H. Becker, director of Clemson University's Strom Thurmond Institute of Government & Public Affairs. But if rural property owners protect large land tracts through conservation easements, then outlying areas will probably become very attractive to high-end buyers. "Once something becomes rare, people want it," Becker says.



## HOUSING COSTS

Smart-growth policies might sound promising to control sprawl, but they inevitably push up housing pricetags, especially for single-family homes, critics say.

By establishing tighter regulations on rural land use, some counties make developable property rare and expensive, says Cone. "It's the scarcity of land that drives up home prices. There are tens of thousands of families in South Carolina that can't afford to buy a home. They're not able to make the down payment because there are all kinds of (government-imposed) expenses."

But that's not relevant to Charleston County, says Dana Beach, executive director of the S.C. Coastal Conservation League. "The supply of raw land available in Charleston County (even with the ordinance in place) is so vast that we can meet 50 years of growth."

The ordinance, Beach says, still provides for conventional suburban development throughout large stretches of the county. "If the county gets built out as would be allowed by the development ordinance, we'll still be overwhelmed by growth." What the ordinance does achieve, he says, is "provide a little more stability for large rural parcels (in outlying areas) that are currently in farm or forestry." The ordinance provides a "modest safety net" for some agricultural and rural places, helping to control the extent of sprawl there, Beach says.

Developing property has been far more costly in Charleston County—not because regulations are too rigorous but because they are administered in a fickle, capricious manner, some landowners say. In 1996, Bill Fagan and his wife and six other households created the Edenswood Homeowners Association and bought 37 acres to build six houses on Johns Island; one household later dropped out. To subdivide the property, Fagan says, the landowners fought through

constantly shifting agency requirements on zoning, wetlands, road design, water and sewer lines, fire hydrants, and archaeological surveys, among others.

"Every time we do what we think we're supposed to do, and we think we're ready to subdivide, somebody adds a bunch of requirements," says Fagan, owner of an alternative-fitness center. "I had no idea it was this hard to build a home on a piece of dirt on Johns Island." Families have "incurred thousands of untold losses," and some dropped out of the project.

"We were a bunch of naïve working stiffs," says Fagan, "who thought we could raise our kids in a nice environment and we'd know everybody in the neighborhood. I was going to show my kids this natural experience, but now they are getting older. This process has been a bureaucratic nightmare."

Conservationists agree that regulators should process development plans fairly and quickly. "Landowners need certainty," says Beach. "It's not an issue of how tough the regulations are, but how clear and certain they are, and how expeditiously they're administered."

At a Coastal Zone conference several years ago, Will Travis, executive director of San Francisco Bay Conservation and Development Commission, pointed out that development permits move far too slowly through some government agencies. "The problem . . . is that we exult in process over substance. We love to put another permit application, another battle, into place. The theory is that if we have enough battles, then something intelligible will come out of it. Instead, we need more rational comprehensive planning, and then we need to stick with the plan we have made."

Over the past few decades, numerous localities around the country have established comprehensive plans and ordinances to manage development and protect rural land.

## Sources

- Arendt, Randall G. *Conservation Design for Subdivisions*. Washington, D.C.: Island Press, 1996.
- Arendt, Randall. *Growing Greener*. Washington, D.C.: Island Press, 1999.
- Daniels, Tom. "What to Do About Rural Sprawl?" Paper presented at the American Planning Association Conference, Seattle, Wash., April 28, 1999.
- Downs, Anthony. "What Does 'Smart Growth' Really Mean?" *Planning*, April 2001.
- Nivola, Pietro S. *Laws of the Landscape: How Politics Shape Cities in Europe and America*. Washington, D.C.: Brookings Institution Press, 2001.
- O'Toole, Randall. *The Vanishing Automobile and Other Urban Myths*. Bandon, Ore.: Thoreau Institute, 2001.
- Rybczynski, Witold. "City Lights." *The New York Review of Books*, June 21, 2001.
- "Striking a Fair Balance: Issues of Public and Private Interests on the Coast." Proceedings of the July 19, 1995, plenary session of the Coastal Zone '95 conference in Tampa, Florida. John Tibbetts, Ed. *Coastal Management*, July-Sept., 1996.

Now Charleston and Beaufort counties are simply catching up to community-planning ideas that have been commonplace in other regions for years, some experts say.

The good news for property-rights advocates, however, is that comprehensive plans, by state law, have to be reviewed every five years and completely updated every 10 years. "A plan is a fluid document; it's designed to be fluid," says Mikell Scarborough, chairman of the Charleston County Planning Commission.

And for better or worse, these plans reflect a democratic process, having been passed by county councils. "People have the power to change a local plan," says Daniel Pennick, Charleston County planner. "The way they change it is through their elected officials." ♡

# EBBS & FLOWS

## **Estuarine Research Federation**

St. Pete Beach, Fla.  
Nov. 4-8, 2001

Join your colleagues in sunny St. Pete Beach at the Tradewinds Conference Center for the Estuarine Research Federation's 16<sup>th</sup> Biennial Conference. Themes for the conference include detecting estuarine change, marine restoration/conservation, modeling estuarine processes, and ecological impacts of invasive species and disease. For more information, visit the Web site: [www.erf.org](http://www.erf.org).

## **Second International Conference & Trade Show on Marine Ornamentals**

Orlando, Fla.  
Nov. 27-Dec. 1, 2001

The aquarium hobby is second only to photography in popularity in the United States. The vast majority of ornamental marine specimens are harvested from the wild. The long-term goal is to develop culture protocols that can be used by industry to reduce harvest pressure from worldwide reef ecosystems. This conference will address efforts toward accomplishing that goal. For more information, visit the conference Web site: [www.ifas.ufl.edu/~conferweb/MO](http://www.ifas.ufl.edu/~conferweb/MO).

## ***Phragmites australis*: A Sheep in Wolf's Clothing?**

Cumberland College,  
Vineland, N.J.  
Jan. 6-9, 2002

A relatively new marsh invader *Phragmites australis* appears to be degrading essential marsh functions over much of its range. But is *Phragmites* the "villain that many say it is? Or does it have redeeming features worth an adaptive management approach?" Forum themes will focus on new research and critical reviews addressing *Phragmites* role as a "noxious weed." For more information, contact Michael P. Weinstein at <[mweinstein@njmsc.org](mailto:mweinstein@njmsc.org)> or (732) 872-1300 ext.24.

  
**Sea Grant**  
S.C. Sea Grant Consortium  
287 Meeting Street  
Charleston, S.C. 29401

NON-PROFIT ORG  
U.S. Postage Paid  
Charleston, SC  
PERMIT #248



Coastal Heritage is printed  
on recycled paper.

Web Site: <http://www.scseagrant.org>